

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 04-10956-REK

ERNEST OGLETREE,)
Plaintiff)
)
v.)
)
CITY OF ATTLEBORO,)
STURDY MEMORIAL HOSPITAL,)
INC., JAMES G. MACDONALD,)
DOUGLAS JOHNSON, MICHAEL)
BARTUCCA, ROBERT ASTIN,)
and LEWIS RHEAUME,)
Defendants)

**PLAINTIFF'S MOTION TO EXTEND
TIME FOR DISCOVERY AND
TO DISCLOSE EXPERT WITNESSES
AND FOR DISPOSITIVE MOTIONS**

(ASSENTED TO)

Ernest Ogletree, the plaintiff, moves this Honorable Court to extend the time for the parties to complete discovery, including depositions, and to disclose their expert witnesses, and to file dispositive motions by three months, such that the completion of discovery and percipient witness depositions will be extended to and including September 30, 2006, the plaintiff's expert witness disclosures will be extended to and including October 31, 2006, the defendants' expert witnesses disclosures will be extended to and including November 30, 2006, the time for concluding expert witness depositions will be extended to and including December 31, 2006, and the filing of dispositive motions will be extended to and including February 15, 2007.

In support of his Motion, the plaintiff states that the parties have engaged in discovery cooperatively but neither have concluded discovery nor obtained sufficient information to allow for expert disclosures at the times now scheduled for them due to

the legal and factual complexities of this action and conflicts in the schedules of the parties' counsel and witnesses; that the time for completing discovery has not expired yet but is nearing; that the parties have been unable to conclude discovery and expert witness disclosure within the time allotted due to the schedules of the parties' counsel and witnesses; that no party will be prejudiced by allowance of this Motion; that all of the defendants have assented to this Motion; that good cause exists for extending the deadlines in view of the foregoing; and that notwithstanding their efforts, the parties were unable to complete discovery within the extensions of the deadlines previously allowed.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

On May 31 and June 1, 2006, I, Mark F. Itzkowitz, counsel for the plaintiff, discussed the foregoing Motion by telephone conferences with each defendant's counsel and/or their representatives. Each of the defendant's counsel assented to the foregoing Motion on behalf of the defendants and authorized me to sign their names in assent to this Motion.

The Plaintiff,
Ernest Ogletree,
By his Attorney,

MARK F. ITZKOWITZ (BBO# 248130)
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Suite 1000
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May 31, 2006

ASSENTED TO:

The Defendant,
James G. MacDonald,
By his Attorneys,

The Defendant,
City of Attleboro,
By its Attorneys,

/s/ JOSEPH L. TEHAN, JR.
JOSEPH L. TEHAN, JR.
(BBO# 494020)
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/s/ CHARLES D. MULCAHY
CHARLES D. MULCAHY (BBO# 359360)
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The Defendants,
Sturdy Memorial Hospital, Inc.,
Douglas Johnson, Michael Bartucca,
Robert Astin & Lewis Rheaume,
By their Attorneys,

/s/ DANIEL J. BUONICONTI
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